

REMARKS

Initially it is noted that the pending Office action was deemed final by the Examiner. It is respectfully submitted that this finding is premature. The pending Office action is the first action following filing of a Request for Continued Examination (RCE). An amendment was filed with the RCE. This amendment was previously filed in response to a final office action, but was not entered because the Examiner determined that it raised a new issue requiring further search or consideration. Accordingly, the first office action following filing of the RCE in which this same amendment is submitted cannot be a 'final' Office action. This position has been confirmed in a telephone interview with Examiner Vidovich which is embodied in the interview summary identified by paper no. 091205. Accordingly, reconsideration and withdrawal of the finality of the Office action is requested, and the present response is hereafter submitted in response to such a non-final office action.

Claims 1-3, 5, 6, 8, and 12 stand rejected as being anticipated by US 6322,077 to Braunlich et al. It is respectfully submitted that the Examiner has misinterpreted the teachings of Braunlich and, for the following reasons, the Examiner's rejections are traversed.

With reference to the specification of the present application, the invention is directed toward a card game including:

a plurality of groups of symbols are defined for cost payment;

a cost payment card has a symbol of a certain group indicated thereon

(see Fig. 4);

a character card also has a symbol of a certain group in a cost indication portion thereof (see Fig. 2);

in order to play a particular character card, the player must have one or more cost payment cards having the same symbols indicated thereon as indicated on the character card to be played. Specifically, when the character card has one 'star' symbol and three 'bullet' symbols indicated thereon (see Fig. 2A), the player must have one cost payment card with a 'star' symbol and three cost payment cards with a 'bullet' symbol thereon.

Using the Examiner's terminology, Braunlich teaches a location card (cost payment card) 300 having a symbol 304 (Fig. 3). The symbol 304 on the location or cost payment card 300 represents a location, which the Examiner indicates is a category.

Braunlich also teaches a character card (battle card) 100 having a symbol 114 indicating a cost that is required for playing the battle card on the play field (see Col. 7, line 66 to Col. 8, line 2). However, it is respectfully submitted that the symbol 114 on the 'battle card 100' is not related, in any way, to the symbol 304 indicated on the 'cost payment card 300'. The Examiner's attention to this fact is requested.

Therefore, Braunlich cannot be cited as teaching:

"each of said cost payment cards has **a symbol** thereon indicating that each card belongs to one of a plurality of category groups, and

said plurality of the battle cards have one or more **said symbols** thereon indicating cost required to place the battle card on a play field", as required.

Simply put, the present invention, as defined in claims 1 and 6, requires that the symbol on the cost payment card be the same as the symbol on the battle cards.

However, Braunlich does not teach this relationship, but rather teaches that the

symbols on the 'cost payment card' (i.e., location or planet) are different than the symbols on the 'battle card' (i.e., counters indicating cost to put card in play). Accordingly, Braunlich does not teach or suggest that a symbol belonging to the group indicated on the cost payment card is used on the battle card as a symbol indicating cost.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. NIS-14976.

Respectfully submitted,

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